

Senate File 524

S-3267

1 Amend Senate File 524 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 476B.5, subsection 4, Code  
5 2011, is amended to read as follows:

6 4. The maximum amount of nameplate generating  
7 capacity of all qualified facilities the board may  
8 find eligible under this chapter shall not exceed  
9 one hundred fifty twenty-six megawatts of nameplate  
10 generating capacity.

11 Sec. 2. Section 476C.1, subsection 6, paragraph d,  
12 Code 2011, is amended to read as follows:

13 d. Was initially placed into service on or after  
14 July 1, 2005, and before January 1, ~~2012~~ 2015.

15 Sec. 3. Section 476C.1, subsection 6, Code 2011, is  
16 amended by adding the following new paragraphs:

17 NEW PARAGRAPH. e. For applications filed on or  
18 after July 1, 2011, is a facility of not less than  
19 three-fourths megawatts of nameplate generating  
20 capacity or the energy production capacity equivalent  
21 if all or a portion of the renewable energy produced is  
22 for on-site consumption by the producer.

23 NEW PARAGRAPH. f. For applications filed on or  
24 after July 1, 2011, except for wind energy conversion  
25 facilities, is a facility of no greater than five  
26 megawatts of nameplate generating capacity or the  
27 energy production capacity equivalent.

28 Sec. 4. Section 476C.1, subsection 8, Code 2011, is  
29 amended to read as follows:

30 8. "*Heat for a commercial purpose*" means the heat in  
31 British thermal unit equivalents from refuse-derived  
32 fuel, methane, or other biogas produced in this state  
33 either for commercial use by a producer for on-site  
34 consumption or sold to a purchaser of renewable energy  
35 for use for a commercial purpose in this state or for  
36 use by an institution in this state.

37 Sec. 5. Section 476C.2, subsection 1, Code 2011, is  
38 amended to read as follows:

39 1. A producer or purchaser of renewable energy  
40 may receive renewable energy tax credits under this  
41 chapter in an amount equal to one and one-half cents  
42 per kilowatt-hour of electricity, or four dollars and  
43 fifty cents per million British thermal units of heat  
44 for a commercial purpose, or four dollars and fifty  
45 cents per million British thermal units of methane gas  
46 or other biogas used to generate electricity, or one  
47 dollar and forty-four cents per one thousand standard  
48 cubic feet of hydrogen fuel generated by and purchased  
49 from an eligible renewable energy facility or used for  
50 on-site consumption by the producer.

1       Sec. 6. Section 476C.3, subsection 1, paragraph e,  
2 Code 2011, is amended to read as follows:  
3       e. A Except when the renewable energy is produced  
4 for on-site consumption by the producer, a copy of the  
5 power purchase agreement or other agreement to purchase  
6 electricity, hydrogen fuel, methane or other biogas,  
7 or heat for a commercial purpose which shall designate  
8 either the producer or purchaser of renewable energy as  
9 eligible to apply for the renewable energy tax credit.  
10       Sec. 7. Section 476C.3, subsection 3, Code 2011, is  
11 amended to read as follows:  
12       3. a. A facility that is not operational within  
13 thirty months after issuance of an approval for the  
14 facility by the board shall cease to be an eligible  
15 renewable energy facility. However, a wind energy  
16 conversion facility that is approved as eligible under  
17 this section but is not operational within eighteen  
18 months due to the unavailability of necessary equipment  
19 shall be granted an additional twenty-four months to  
20 become operational.  
21       b. A facility which notifies the board prior to the  
22 expiration of the time periods specified in paragraph  
23 "a" that the facility intends to become operational and  
24 wishes to preserve its eligibility shall be granted a  
25 twelve-month extension. An extension may be renewed  
26 for succeeding twelve-month periods if the board is  
27 notified prior to the expiration of the extension of  
28 the continued intention to become operational during  
29 the succeeding period of extension.  
30       c. If the owner of a facility discontinues efforts  
31 to achieve operational status, the owner shall notify  
32 the board within thirty days of such discontinuance  
33 that the owner no longer seeks a tax credit pursuant  
34 to this chapter. Upon receipt of such notification,  
35 the board shall no longer consider the facility as an  
36 eligible renewable energy facility under this chapter.  
37       d. A facility that is granted and thereafter  
38 loses approval may reapply to the board for a new  
39 determination.  
40       Sec. 8. Section 476C.3, subsection 4, Code 2011, is  
41 amended to read as follows:  
42       4. a. The maximum amount of nameplate generating  
43 capacity of all wind energy conversion facilities the  
44 board may find eligible under this chapter shall not  
45 exceed three hundred thirty sixty-three megawatts of  
46 nameplate generating capacity.  
47       b. The maximum amount of energy production capacity  
48 equivalent of all other facilities the board may find  
49 eligible under this chapter shall not exceed a combined  
50 output of twentysixty-nine megawatts of nameplate

1 generating capacity and one hundred sixty-seven  
2 billion British thermal units of heat for a commercial  
3 purpose. Of the maximum amount of energy production  
4 capacity equivalent of all other facilities found  
5 eligible under this chapter, fifty-five billion British  
6 thermal units of heat for a commercial purpose shall  
7 be reserved for an eligible facility that is a refuse  
8 conversion facility for processed, engineered fuel from  
9 a multicounty solid waste management planning area.  
10 The maximum amount of energy production capacity the  
11 board may find eligible for a single refuse conversion  
12 facility is fifty-five billion British thermal units of  
13 heat for a commercial purpose. Of the maximum amount  
14 of energy production capacity equivalent of all other  
15 facilities found eligible under this chapter, an amount  
16 equivalent to sixteen megawatts of nameplate generating  
17 capacity shall be reserved for eligible renewable  
18 energy facilities incorporated within or associated  
19 with an ethanol cogeneration plant, provided such a  
20 facility becomes operational on or before July 1, 2016.  
21 Notwithstanding subsection 3, in the event such a  
22 facility does not become operational on or before July  
23 1, 2016, the sixteen megawatts of nameplate generating  
24 capacity reserved for such facilities shall cease to  
25 be reserved.

26 Sec. 9. Section 476C.4, subsections 1 and 2, Code  
27 2011, are amended to read as follows:

28 1. A producer or purchaser of renewable energy may  
29 apply to the board for the renewable energy tax credit  
30 by submitting to the board all of the following:

31 a. A completed application in a form prescribed by  
32 the board.

33 b. A copy of the determination granting approval of  
34 the facility as an eligible renewable energy facility  
35 by the board.

36 c. A copy of a signed power purchase agreement  
37 or other agreement to purchase electricity, hydrogen  
38 fuel, methane or other biogas, or heat for a commercial  
39 purpose from an eligible renewable energy facility  
40 which shall designate either the producer or purchaser  
41 of renewable energy as eligible to apply for the  
42 renewable energy tax credit.

43 d. Sufficient documentation that the electricity,  
44 heat for a commercial purpose, methane gas or other  
45 biogas, or hydrogen fuel has been generated by the  
46 eligible renewable energy facility and sold to the  
47 purchaser of renewable energy.

48 e. To the extent the produced electricity,  
49 hydrogen fuel, methane or other biogas, or heat for  
50 a commercial purpose is used for on-site consumption,

1 the requirements of paragraphs "c" and "d" shall not  
2 be applicable. For such renewable energy production,  
3 the owner must submit a certification under penalty  
4 of perjury that the claimed amount of electricity,  
5 hydrogen fuel, methane or other biogas, or heat for  
6 a commercial purpose was produced by the eligible  
7 facility and consumed by the owner.

8 e. f. Any other information the board deems  
9 necessary.

10 2. The board shall notify the department of the  
11 amount of kilowatt-hours, British thermal units of  
12 heat for a commercial purpose, British thermal units  
13 of methane gas or other biogas used to generate  
14 electricity, or standard cubic feet of hydrogen fuel  
15 generated and purchased from an eligible renewable  
16 energy facility or generated and used by the producer  
17 for on-site consumption. The department shall  
18 calculate the amount of the tax credit for which the  
19 applicant is eligible and shall issue the tax credit  
20 certificate for that amount or notify the applicant  
21 in writing of its refusal to do so. An applicant  
22 whose application is denied may file an appeal with  
23 the department within sixty days from the date of the  
24 denial pursuant to the provisions of chapter 17A.

25 Sec. 10. Section 476C.4, subsection 5, Code 2011,  
26 is amended to read as follows:

27 5. The department shall not issue a tax credit  
28 certificate if the facility approved by the board as an  
29 eligible renewable energy facility is not operational  
30 within eighteen months after the approval is issued,  
31 subject to the extension provisions of section 476C.3,  
32 subsection 3.

33 Sec. 11. Section 476C.5, Code 2011, is amended to  
34 read as follows:

35 **476C.5 Certificate issuance period.**

36 A producer or purchaser of renewable energy may  
37 receive renewable energy tax credit certificates for  
38 a ten-year period for each eligible renewable energy  
39 facility under this chapter. The ten-year period for  
40 issuance of the tax credit certificates begins with the  
41 date the purchaser of renewable energy first purchases  
42 electricity, hydrogen fuel, methane gas or other biogas  
43 used to generate electricity, or heat for commercial  
44 purposes from the eligible renewable energy facility  
45 for which a tax credit is issued under this chapter,  
46 or the date the producer of the renewable energy first  
47 uses the energy produced by the eligible renewable  
48 energy facility for on-site consumption. Renewable  
49 energy tax credit certificates shall not be issued for  
50 renewable energy purchased or produced for on-site

1 consumption after December 31, ~~2021~~ 2024.>

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